

Lao, Judy

From: Knapp, Michael
Sent: Tuesday, September 04, 2018 1:47 PM
To: jmadzula@garciamilas.com; bquiros@garciamilas.com
Subject: Kimberly Tisa Subpoena - Town of New Milford v. Standard Demolition Services

John and Brian,

Following up on our conversation on 8/21, have you given any further thought as to how you would like to proceed with this subpoena? Again, consistent with EPA regulations at 40 C.F.R. § 2.401, et seq, EPA could respond to the subpoena duces tecum as a request under the Freedom of Information Act. If requested, EPA could authenticate documents provided pursuant to 40 C.F.R. § 2.406. Please confirm if you would like us to proceed with the document request pursuant to the Freedom of Information Act.

Additionally, unless it reaches the determination that it is clearly in the interests of the Agency to do so, Kimberly would also be instructed to refuse to provide any testimony, pursuant to 40 C.F.R. § 2.404. If you intend to seek to enforce the subpoena for Kimberly's testimony despite EPA's regulations, please let me know. In such event, the Agency will seek the assistance of the local U.S. Attorney's office at the deposition. We would appreciate knowing as soon as possible so that we have sufficient time to coordinate with the local U.S. Attorney's office if necessary.

Thank you,
Mike

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